IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE**

**and**
**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

**WRIT PETITION NO : 2432 of 2005**

Between:

M. Someswara Rao, Jaya Lakshmi Agency,
Andhra Ratna Road, Chirala, Prakasam District.

**..... PETITIONER**

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary,
Environment, Forests, Science and Technology (ENB) Department,

A.P.Secretariat, Hyderabad.
2 Government of Andhra Pradesh, Rep. by its Secretary,
Municipal Administration & Urban Development Department,

A.P.Secretariat, Hyderabad.
3 Andhra Pradesh Pollution Control Board, Paryavaran Bhavan, Opp:

Sanathnagar P.S. Hyderabad, Rep. by its Member-Secretary.
4 Chirala Municipality, Rep. by its Commissioner, Chirala, Prakasam District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action fo the 4th respondent in prohibiting the sale of plastic goods including covers and containers for being illegal, arbitrary, ultra virus the powers conferred on the 4th respondent by G.O.Ms.No.25 dated 30-3-2001 violative of the provisions of the A.P. Municipalities Act, 1965 and the Environment (Protection) Act, 1986, and unconstitutional and consequently direct the 4th respondent not to interfere in the business of the petitioner and pass such other appropriate order or orders as are deemed fit and proper in the interest of justice.

**Counsel for the Petitioner:MR.B.ADINARAYANA RAO**

**Counsel for the Respondents 1 and 2: GP FOR MUNCIPAL ADMN. & URBAN DEV.**

**Counsel for the Respondent No.3: Sri S.V. Bhatt**

**Counsel for the Respondent No.4: S. Nageswara Reddy**

**The Court made the following Oral Judgment: (per Sri Devinder Gupta, CJ)**

Petitioner has filed this petition questioning the action of the 4th respondent in having issued a pamphlet prohibiting sale of plastic carry bags and plastic cans. The grievance of the petitioner is that the pamphlet which has been issued by the 4th respondent is illegal, arbitrary and ultra vires of the powers conferred on him in G.O. Ms. No. 25, dated 30.3.2001 and is violative of the provisions of the A.P. Municipalities Act, 1965 and the Environment (Protection) Act, 1986.

In fact, there is variation in the English translation of the original pamphlet published in Telugu. Petitioner has not questioned the legality and validity of G.O. Ms. No.25, dated 30.3.2001 issued by the Environment, Forests, Science & Technology (Env.) Department putting restrictions on indiscriminate use of Plastic Carry bags in urban areas in particular, and at public places in the State.

Challenge before us is not merely on the basis of the 4th respondent issuing the impugned G.O., but to the pamphlet which has been published in Telugu and we do not find any material variation in the Telugu version of the pamphlet when read in the light of G.O. Ms. No. 25, dated 30.3.2001. As a matter of fact, the writ petition is premature and no action has so far been taken against the petitioner by the respondents. We cannot therefore issue any direction as prayed for merely on the basis of some hypothesis. In case, action is taken by the 4th respondent against the petitioner and the petitioner would feel that such action is not in consonance with the G.O. Ms. No.25, dated 30.3.2001, nothing prevents the petitioner from questioning the said action of the 4th respondent in accordance with law.

The writ petition is accordingly dismissed. No costs.

_____

DEVINDER GUPTA,CJ

DATE: 11th March, 2005

_____

B. SESHASAYANA REDDY,J

Pnb

To

1 The Secretary, Government of Andhra Pradesh, Environment, Forests,

Science and Technology (ENB) Department, A.P.Secretariat, Hyderabad.
2 The Secretary, Government of Andhra Pradesh, Municipal Administration &

Urban Development Department, A.P.Secretariat, Hyderabad.
3 The Member-Secretary, Andhra Pradesh Pollution Control Board,

Paryavaran Bhavan, Opp: Sanathnagar P.S. Hyderabad.

4 The Commissioner, Chirala Municipality, Chirala, Prakasam District.

5 Two C.Cs to the Government Pleader for Municipal Administration &

Urban Development, High Court of A.P., Hyderabad (OUT)

6 Two C.D copies.